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10 ATTORNEYS FOR PLAINTIFF

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12 MONTANA FOURTEENTH JUDICIAL DISTRICT COURT
13 MUSSELSHELL COUNTY

14 LESLIE B. RIFE

15 Plaintiff,

16 vs.

17
18 SIGNAL PEAK ENGERY, LLC its
19 owners and affiliates, and
20 JOHN DOE CORPORATIONS
A-Z.

21 Defendants.

) Cause No.:
) Judge: **Randal I. Spaulding**
)

) COMPLAINT AND JURY
) TRIAL DEMAND
)

22
23 Plaintiff Leslie B. Rife and by and through his attorneys above named and demands
24 damages from the Defendants, SIGNAL PEAK ENERGY, LLC and its related owners,
25

1 business entities subsidiaries and affiliates and in support thereof states as follows:

- 2 1. That the Plaintiff, Leslie Rife, is an adult citizen of the State of Tennessee and a
3 resident of Cocke County.
- 4 2. That the Defendant, Signal Peak Energy, LLC hereinafter referred to as
5 "Defendant," is a limited liability company doing business in Montana, who owns
6 and/or manages the premises commonly known as Signal Peak Coal Mine in
7 Musselshell County, Montana.
- 8 3. Upon information and belief, Defendant is owned by First Energy Venture, an Ohio
9 based utility company and Pinesdale, LLC, a wholly owned affiliate of Gunvor
10 Group, Ltd. a commodity trading company.
- 11 4. That on or about June 10, 2012, the Plaintiff in his capacity as a truck driver for
12 Slater Fore Consulting (a chemical delivery trucking company based in Pike
13 County, Kentucky) was making a delivery of certain chemicals to Defendant on
14 Defendant's premises.
- 15 5. Plaintiff parked his truck on property of the premises owned and managed by
16 Defendant, and assisted Defendant's employees in off-loading the chemicals. At
17 that same time and place, the loading area had not been properly cleared of water,
18 chemicals and mud from leaking chemicals and/or water. The loading area
19 maintained by Defendant was excessively and unreasonably muddy and slippery
20 and caused the Plaintiff to slip trip or fall, causing him severe injuries more fully
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1 hereinafter described.

2 6. As a result of the failure of the Defendant to properly clear all the loading area of
3 mud, water and liquid chemicals, Plaintiff sustained serious and severe injuries to
4 his person, including, but not limited to injuries to his face, brain, spine and right
5 knee and other related serious and severe personal injuries including
6 neuropsychological condition(s).
7

8 7. After the Plaintiff's above described fall, and despite his obvious severe injuries,
9 rather than alerting emergency medical professionals, Defendant's employees
10 loaded Plaintiff into a pick-up truck and drove him to Billings Clinic Emergency
11 Room in Billings, Montana.
12

13 8. Solely as a result of the injuries aforementioned, the Plaintiff has incurred damages,
14 including:

15 a. Medical expenses;

16 b. Lost wages;

17 c. He has, may, and probably will for an indefinite time in the future suffer
18 great pain, inconvenience, embarrassment, and mental anguish;
19

20 d. He has, may, and probably will for an indefinite time in the future be
21 deprived of ordinary pleasures of life, loss of well-being, and equanimity;
22

23 and

24 e. His overall health, strength, and vitality has been greatly impaired.
25

COUNT I

NEGLIGENCE OF THE DEFENDANT

9. The Plaintiff incorporates herein by reference hereto the allegations of paragraphs 1 through 8 above as if more fully set forth herein at length.

10. The aforesaid incident occurred as a result of and was proximately caused by the careless, negligent, grossly careless, and reckless conduct of the Defendant which consisted inter- alia of the following particulars:

- a. Failing to properly supervise and maintain the loading area or port in question so as to furnish to the Plaintiff, Leslie Rife, a safe level dry parking and loading zone, free from hazards which were recognized or should have been recognized by Defendant, as causing or likely to cause the serious physical harm to the Plaintiff and others;
- b. Failing to maintain the above loading zone and/or port and parking area in a safe condition to insure that the Plaintiff would not be caused to slip and fall as a result of the mud and water which existed and which were known and should have been known to the Defendant;
- c. Failing to properly inspect the loading zone wherein the Plaintiff was caused to fall as a result of not removing the mud and other hazards;
- d. Failing to maintain the premises owned by Defendant in good and safe condition for the Plaintiff and others;

- 1 e. Failing otherwise to comply with the applicable laws and regulations of
2 the State of Montana and the applicable Federal laws and regulations;
3 f. Otherwise failing to exercise the degree of care required under the
4 circumstances, including failing to provide emergency medical care to
5 Plaintiff immediately after the fall; and
6 g. Otherwise being negligent.
7

8 11. As a result of the aforesaid conduct and breach of care of the Defendant, Plaintiff
9 sustained the injuries, losses, and damages which were more fully described above,
10 without any negligence of the Plaintiff contributing thereto.
11

12 COUNT II.

13 DEFENDANT'S NEGLIGENCE PER SE

14 12. The Plaintiff incorporates herein by reference hereto the allegations of paragraphs
15 1 through 11 above as if more fully set forth herein at length.
16

17 13. As alleged herein, on June 10, 2012, Plaintiff was on the premise of Defendant
18 which is a coal mine subject to Federal and State regulations to ensure the safety
19 of workers at the mine.

20 14. Upon information and belief, Defendant's operated the coal mine, supervised the
21 loading area and failed to provide Plaintiff immediate emergency medical care in
22 a negligent manner in violation of the standards set by federal and/or state statutes
23 and regulations specifically promulgated to insure the safety of workers at the
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1 mine.

2 15. The injuries suffered by Plaintiff in this action was an occurrence, the nature of
3 which the federal and/or state statutes and regulations were designed to prevent
4 and Plaintiff is within the class of persons whom the statutes and regulations are
5 intended to protect.
6

7 16. As a direct and proximate result of Defendant's negligence per se, Plaintiff was
8 severely injured and Plaintiff is entitled to recover compensatory and exemplary
9 damages in an amount according to proof.
10

11 **WHEREFORE**, plaintiff prays for judgment against defendant as follows:

- 12 1. For all damages permitted under Montana law;
- 13 2. For past and future wage and benefits loss, past and future medical costs, past
14 and future physical therapy and vocational costs, loss of enjoyment of life, loss of
15 established course of living, loss of income earning capacity, emotional distress, mental
16 anguish, and psychological injury;
- 17 3. For plaintiff's costs incurred; and
- 18 4. For such other and further relief the Court deems just and proper.
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TRIAL BY JURY

Plaintiff demands a trial by jury.

DATED this 27th day of May, 2014.

MACKAY LAW FIRM, PLLC

By:


Thomas A. Mackay
Attorneys for Plaintiff